

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

CHARLIE TAYLOR

VS.

CIVIL ACTION NO. 2:05cv381-KS-MTP

JOHN BERRY, et al

ORDER

This cause came on this date to be heard upon the Report and Recommendation of United States Magistrate Judge Michael T. Parker entered herein on April 27, 2007, after referral of hearing by this Court, Objections to Report and Recommendations filed on May 9, 2007, by Charlie Taylor, Plaintiff herein, and the Court having fully reviewed the Report and Recommendation and the Objection thereto filed by Taylor, does hereby find as follows:

That the Complaint herein is a civil rights action brought by Taylor, a state prisoner, under 42 U.S.C. § 1983, wherein he complains of deliberate indifference to his medical needs, in particular his dental care, his diet and his need for hernia surgery. In his motions [91] Motion for Hernia Repair Surgery, [90] Motion for Adequate Diet, and [70] Motion for Off Site Medical and Dental Care, Taylor seeks immediate relief for these issues. The Magistrate Judge liberally construed Plaintiff's motions or requests and found them to be in the nature of a preliminary injunction. This Court concurs with the Magistrate's construction as well as the analysis as to what Taylor must prove to obtain injunctive relief. In his Objection [114] Taylor continues to urge the merits of this claim without giving the Court any basis or establishing the factors necessary to obtain a preliminary injunction. The Magistrate's Report and Recommendation has

clearly set forth the prerequisites for the preliminary injunction and the Court adopts the analysis of the Magistrate Judge regarding the Motion for Injunctive Relief.

CONCLUSION

As required by 28 U.S.C. § 636(b)(1) this Court has conducted an independent review of the motion, response, Magistrate Judge's Report and Recommendation and Objection thereto, and concludes that Taylor's objections lack merit and should be **overruled**. This Court further concludes that the Report and Recommendation is an accurate statement of the facts and the correct analysis of the law in all regards.

THEREFORE, this Court accepts, approves and adopts the Magistrate Judge's factual findings and legal conclusions contained in the Report and Recommendation.

Accordingly, it is hereby ordered that the United States Magistrate Judge Michael T. Parker's Report and Recommendation is accepted pursuant to 28 U.S.C. § 636(b)(1) and that the motions [70], [90] and [91] are **denied**.

SO ORDERED this the 23rd day of May, 2007.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE